

2013 SEP -6 AM 11
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND, OHIO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANTOINE TUGGLE,

Petitioner,

v.

KEITH SMITH

Respondent.

CASE NO. 3:11 CV 467

JUDGE DONALD C. NUGENT

JUDGMENT ORDER

For the reasons set forth in the Court's Order Adopting Magistrate Baughman's Report and Recommendation, Petitioner, Antoine Tuggle's petition for habeas corpus (ECF #12) is hereby DENIED IN PART AND DISMISSED IN PART. The case is dismissed with prejudice. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b). IT IS SO ORDERED.

DATED: September 5, 2013


DONALD C. NUGENT
United States District Judge